

RECEIVED
CENTRAL FAX CENTER
NOV 17 2006

REMARKS

Claims 1 and 3-5 are pending in the instant application. Claim 2 has been cancelled.

Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and following remarks.

Claim Rejection under 35 U.S.C. § 102(b) and (e)

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) and (e) as being anticipated by Womelsdorf et al. (WO 00/50503) as translated by Womelsdorf et al. (U.S. Patent No. 6,710,091) (hereinafter "Womelsdorf").

It is respectfully submitted that Womelsdorf does not anticipate instant claim 1. Claim 1 has been amended to further feature one or more C₂- to C₆- monoalcohols. It is believed that claim 1 is patentable over Womelsdorf for at least the reasons that follow.

Womelsdorf does not disclose a water- and halogen-free dispersion comprising zinc oxide particles, aminoalcohols and one or more C₂- to C₆- monoalcohols as set forth in claim 1. The Office Action states that Womelsdorf discloses a water-free dispersion having triethanolamine as a modifier. *See Office Action page 3.* However, the Applicants disagree with this assertion based on a review of the Womelsdorf disclosure. The Applicants submit that Womelsdorf does not disclose using an aminoalcohol with a water-free system including one or more C₂- to C₆- monoalcohols. In support of such to show the differences between claim 1 and Womelsdorf, it is submitted that Womelsdorf discloses that, "primary-particle-disperse sols can be created by adding organic solvents and/or water, optionally with the addition of surface-modifying compound." *See Womelsdorf col. 3, lines 33-36.* There is no indication here that the surface-modifying compound is an aminoalcohol or that such is utilized in a water-free system. Furthermore, there is no mention of the inclusion of one or more C₂- to C₆- monoalcohols. Womelsdorf further states that in a preferred embodiment, "the

gel is redispersed in mixtures, in particular diol and/or polyol/water mixtures, preferably using surface-modifying compounds," that are preferably, "nitrogen-containing compounds, particular preference being given to triethanolamine." *See Womelsdorf Col. 5, lines 16-21*. This is the only disclosure in Womelsdorf of an aminoalcohol and this portion of the disclosure discloses using triethanolamine with a diol and/or polyol/water mixture. Nowhere is the incorporation of one or more C₂- to C₆-monoalcohols disclosed.

Moreover, the Examples of Womelsdorf, Examples 6 and 7, both disclose the preparation of a zinc oxide sol. Example 6 discloses dichloromethane as a solvent without any surface modifying compounds. Whereas, Example 7 discloses ethylene glycol, water and triethanolamine. Thus, the Examples of Womelsdorf show only a zinc oxide sol where the nitrogen-containing compound is utilized with water. Therefore, at best, Womelsdorf disclosed a zinc oxide sol having an aminoalcohol with either a diol or a polyol/water mixture but does not disclose a water-free zinc oxide dispersion comprising an aminoalcohol and one or more C₂- to C₆- monoalcohols. As such, Womelsdorf does not teach every claimed element to anticipate claim 1. Withdrawal of the rejection is respectfully requested.

Claim 3 has been amended to further provide that the organic solvents comprise C₂- to C₆- monoalcohols. Claim 3 recites features that are similar to those recited with respect to claim 1. Therefore, the argument supplied with respect to claim 1 is hereby incorporated with respect to claim 3. Based on those arguments, it is submitted that claim 3 is patentable over Womelsdorf for at least those reasons cited above with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Claim Rejection under 35 U.S.C. § 103(a)

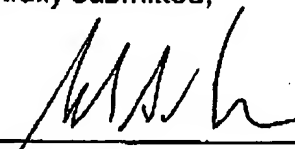
Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Womelsdorf. In addition, claim 4 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Womelsdorf in view of Takeda et al. (U.S. Patent No. 6,200,680)(hereinafter "Takeda").

Claims 4 and 5 both depend directly from claim 1. As set forth above, claim 1 has been shown to be patentable over Womelsdorf. Therefore, claims 4 and 5 are not obvious since they depend from a claim that is shown to be patentable. Withdrawal of the rejection of these claims is respectfully submitted.

In summary, it is respectfully submitted that claims 1, 3-5, are presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

By


Michael A. Miller
Attorney for Applicants
Reg. No. 50,732

November 17, 2006

LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2232
FACSIMILE PHONE NUMBER:
(412) 809-1054

/lmr

S:\Law Shared\SHARED\MAMPATENTS\7791\Response to 7-18-08 OA.doc